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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,401	02/07/2000	Yukako Nii	49570(551)	1212
21874	7590	02/28/2005	EXAMINER	
EDWARDS & ANGELL, LLP			VU, THANH T	
P.O. BOX 55874			ART UNIT	
BOSTON, MA 02205			PAPER NUMBER	
			2174	
DATE MAILED: 02/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/499,401

Applicant(s)

NII, YUKAKO

Examiner

Thanh T. Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 12-20 is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This communication is responsive to Amendment , Filed 09/24/04.

Claims 1-20 are pending in this application. This action is made Final.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "said processing condition" in line 7. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. ("Bates", U.S. Pat. No. 5,777,616) in view of Hirose (U.S. 5,745,112).

Bates teaches an information processing apparatus comprising: a pointing device, a display unit displaying a plurality of icons, a detection unit detecting a predetermined operation performed on a first icon which has been dragged to a second icon, said first icon being displayed on said display unit and moved with movement of said pointing device, said second icon including a group of icons associated with said processing condition (Figs. 4B and 5; *icons: 114, 150 and icons: 114 and 160*; Col. 2, lines 20-26; Col. 7, lines 23-25 and lines 42-56; Col. 8, lines 1-9; *The first icon (114) is moved when positioned at said second icon (150 or 160) in order for a user to select a particular region among the plurality of regions of the second icon. In response to such movement, the GUI indicates to the user that a function associated with a particular region can or cannot be performed on the first icon (the function that can be performed by the indicated region is specified by text displayed beneath the first icon. A NOT symbol 172 of fig. 5 is displayed over the first icon to indicate that the function of the indicated region cannot be performed on the first icon.)*) Bates does not teach a condition update unit updating a processing condition in information processing based on the detection by said detection unit, said condition update unit updating an item common to a processing condition all together that is associated with said group of icons. However, Hirose teaches a condition update unit updating a processing condition in information processing based on the detection by said detection unit, said condition update unit updating an item common to a processing condition all together that is associated with said group of icons (Figs 13 and 14; Col. 6, lines 44 – 56). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a condition update unit as taught by Hirose in the invention of Bates in order

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to display only relevant icons for information processing based on dragging operation done on another icon.

***Allowable Subject Matter***

Claims 1-10, and 12-20 are allowed.

The prior art either alone or in combination doesn't teach the limitation of a detection unit detecting a predetermined operation performed on a first icon which has been dragged to a second icon and moved when positioned at said second icon wherein said operation is a change of direction of movement performed on the first icon, said first icon displayed on said display unit and moved with movement of said pointing device and a condition update unit changing a processing condition of the information processing, represented by the second icon, to be performed on said first icon based on the detection of the operation performed on the first icon in combination with the other claimed features.

***Response to Arguments***

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

Applicant's primary argument is that Hirose does not teach "a condition update unit updating a processing condition in information processing based on the detection by said detection unit, said condition update unit updating an item common to a processing condition all together that is associated with said group of icons. The examiner does not agree because Hirose's reference reads on the claim language of a condition update unit updating a processing condition in information processing based on the detection by said detection unit, said condition

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update unit updating an item common to a processing condition all together that is associated with said group of icons (Figs 13 and 14; The examiner interprets condition update unit updating an item common to a processing condition all together that is associated with said group of icons is the same as the iconic menu 1305 of figs 13 and 14 is being updated with icons that are able to perform functions on the source icon, see col. 6, lines 45 - 67)."

### *Inquiries*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Vu

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100